

REMARKS

In the Office Action the Examiner noted that claims 1-22 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 7-10 have been cancelled without prejudice or disclaimer, and claims 1, 5, 16-17, and 22 have been amended. No new matter has been presented. Thus, claims 1-6 and 11-22 are pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Objection To Drawings

On page 2 of the Office Action the Examiner objected to the drawings under 37 C.F.R. §1.83(a). The Examiner stated that the drawings must show every feature of the invention specified in the claims, and that therefore the "coil" for claim 7, "electrical heating wire" for claim 8, and "gas combustion" for claim 9 must be shown in the drawings or the features cancelled from the claims.

By this Amendment, claims 7-9 have been cancelled without prejudice or disclaimer. Therefore, the Applicant respectfully requests the withdrawal of the Examiner's objection to the drawings.

Claim Rejections Under 35 USC §102

On page 3 of the Office Action the Examiner rejected claims 1-6, 11, 13-14, 16-19, and 21 under 35 U.S.C. §102(a) as being anticipated by Watanabe (JP 2003-79519 A). The Applicant respectfully traverses the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites:

A cooking apparatus, comprising:
a casing forming an enclosure of the cooking apparatus; and
a temperature adjusting unit mounted on the casing, with an upper portion thereof protruding from an upper surface of the casing on which food is placed, wherein the temperature adjusting unit exchanges heat with the food to heat or cool the food; and
a temperature sensor to detect a temperature of the food or a container containing the food.

Therefore, the cooking apparatus claimed in claim 1 of the present application recites "a temperature sensor to detect a temperature of the food or a container containing the food." In other words, the temperature of the food or the container containing the food may be used while

the temperature adjusting unit exchanges heat with the food to heat or cool the food.

This is in direct contrast to the disclosure of Watanabe, which does not disclose “a temperature sensor to detect a temperature of the food or a container containing the food.” The Examiner states that Watanabe discloses a cooking apparatus having a temperature sensor 18. However, the temperature sensor 18 of Watanabe is located on the bottom surface of the heat conduction plate 12 of the cooking apparatus, and therefore merely monitors the temperature of the heat conduction plate 12 (Figure 1). As this temperature sensor 18 measures the temperature of the heat conduction plate 12 instead of the temperature of the food or food container located on the food backing plate 11, there could be a large difference in the temperatures of the heat conduction plate 12 and the food or food container. This provides much less accurate information and control to a user of the cooking apparatus.

Therefore, Watanabe does not disclose at least the feature of “a temperature sensor to detect a temperature of the food or a container containing the food.” Accordingly, Watanabe does not disclose every element of the Applicant’s claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Watanabe does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Watanabe, and withdrawal of the §102(a) rejection is earnestly and respectfully solicited. Further, it is also respectfully submitted that the feature lacking in Watanabe is not an obvious modification of the cooking apparatus disclosed in Watanabe.

Claims 2-6, 11, and 13-14 depend from claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by Watanabe. Therefore, it is respectfully submitted that claims 2-6, 11, and 13-14 also patentably distinguish over Watanabe.

Claim 16 of the present application, as amended, recites “a temperature sensor to detect a temperature of the food or a container containing the food.” As discussed above in regard to claim 1, Watanabe does not disclose at least this feature. Therefore, it is respectfully submitted that claim 16 also patentably distinguishes over Watanabe.

Claims 17-19 and 21 depend from claim 16 and include all of the features of that claim plus additional features which are not taught or suggested by Watanabe. Therefore, it is respectfully submitted that claims 17-19 and 21 also patentably distinguish over Watanabe.

Claim Rejections Under 35 USC §103

On page 4 of the Office Action the Examiner rejected claims 7-8, 10, and 22 under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Michel (FR 2604882 A1). The Applicant respectfully traverses the Examiner's rejection of these claims.

By this Amendment, claims 7-8 and 10 have been cancelled without prejudice or disclaimer.

Claim 22 of the present application, as amended, recites a method of heating and cooling food in a container using a cooking apparatus, the method comprising the feature of "detecting a temperature of the container." As discussed in the previous section of this Amendment, Watanabe does not disclose at least this feature. Further, as Michel merely discloses combining induction heating and a heating/cooling device in a cooking apparatus, Michel does not cure the deficiency of Watanabe in regard to claim 22 of the present application. For a proper §103 rejection, the combination of the cited references must disclose all of the features of the rejected claim. Thus, it is respectfully submitted that claim 22 patentably distinguishes over the cited references.

On pages 4-5 of the Office Action the Examiner rejected claim 9 under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Hanaki (JP 2003-274680 A).

By this Amendment, claim 9 has been cancelled without prejudice or disclaimer.

On page 5 of the Office Action the Examiner rejected claims 12, 15, and 20 under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Cauchy (U.S. Patent No. 6,282,906). The Applicant respectfully traverses the Examiner's rejection of these claims.

As discussed in the previous section of this Amendment, claims 1 and 16 patentably distinguish over Watanabe. Further, as Cauchy merely discloses the use of a DC power supply in a Peltier or thermoelectric food heating cooling system, Cauchy does not cure the deficiency of Watanabe in regard to claims 1 and 16 of the present application. For a proper §103 rejection, the combination of the cited references must disclose all of the features of the rejected claim. Thus, as claims 12 and 15 depend from claim 1, and claim 20 depends from claim 16, and these dependent claims include all of the features of their respective independent claims plus additional features which are not taught or suggested by the cited references, it is respectfully submitted that claims 12, 15, and 20 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, claims 7-10 have been cancelled without prejudice or disclaimer, and claims 1, 5, 16-17, and 22 have been amended. No new matter has been presented. Thus, claims 1-6 and 11-22 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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